

**TOWN COUNCIL  
REGULAR MEETING  
JANUARY 19, 2000**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:02 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Bush and Councilmembers Cox, Paul and Weiner. Also present were Town Administrator Middaugh, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

Mayor Venis recognized Boy Scout Troop #17 as being in attendance. Tamara Yuell, Leader, advised that the group was present to learn how the local community and government operated. She explained that this visit fulfilled one of the requirements for the citizenship badge and thanked Mayor Venis for allowing the troop to come to the meeting.

**3. PRESENTATIONS**

**3.1 Wings of Gold**

Mayor Venis presented Bob Amchir with a Certificate of Appreciation for the donation of \$5,000 and 500 toys to the EASE Foundation. Mr. Amchir thanked Council for supporting this event which raised a total of \$295,000 and 22,000 toys to benefit the Boys and Girls Club, Joe DiMaggio Program, and EASE Foundation.

**3.2 Butters Construction Development**

Malcolm Butters advised that in its annual Real Estate Awards, Ernst and Young had chosen Pointe West Commerce Center as the Best Industrial Deal for South Florida. He thanked the Planning and Zoning staff for their assistance and presented the award to Council.

**3.3 Budget Advisory Committee**

Dave Brown, Chair, provided a synopsis of the Committee's work over the past year and commented that the Town's financial reporting procedures were sound due to professionalism of the Town's Finance Director. Earlier in the year, the Board had discussed finding new non-tax sources of revenue for the Town and the Committee's interest centered on ensuring that the Town received all franchise fees that residents were being charged. After review, the Board discovered that Broward County was continuing to receive cable franchise fees from residents in areas that had been annexed into the Town. After careful research, the Board stimulated the Mayor's successful effort to correct the problem in the future and to receive retroactive payments. Subsequently, the Board had focused on businesses that were operating without the benefit of an occupational license and a project had been initiated to obtain State and County records to identify those businesses.

Mr. Brown stated that the Board was requesting specific direction to pursue three areas: to enhance the capital projects budget process, to search for additional sources of funding, and to develop and coordinate the Census count. Chair Brown asked that Council approve up to \$30,000 to maximize the population count which would effect the Town for the next 10 years. He indicated that the Board would only make recommendations for

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expenditures that were necessary to obtain the highest possible count. Mr. Brown stated that the Town had two capable staff members that the Board wanted to work with and amplify their efforts. He referenced a memorandum from Housing and Community Development Coordinator Shirley Taylor-Prakelt on other activities that the Board might wish to pursue and added that some of the activities would be pursued through other avenues.

Mayor Venis expressed his approval that this matter would be addressed in-house and added that he would like to see this matter pursued expeditiously. Councilmember Paul expressed her pleasure that the Board was taking the initiative to move forward with the Census and other projects to expand the Board's activities. Vice Mayor Bush concurred.

Ms. Taylor-Prakelt provided an overview of the plans for the Town to participate in the New Construction Program. She explained that for those buildings under construction as of April 1, 2000 which might reasonably have a certificate of occupancy shortly thereafter, the Census guaranteed to come back and recanvass that area to ensure an accurate count. Ms. Taylor-Prakelt noted that she and Tom Willi, Building Official, were serving as the Town's liaisons. She advised that the Census Bureau would be mailing out forms rather than door-to-door canvassing and noted that there had been some concern that this might not receive a good response. However, with a concerted effort from the Town, she felt a good response could be received from the residents.

Jack Curtis, Media Partnership Specialist for the Census, stated that he was the media specialist for six counties in Florida and a Davie resident. He noted that Census forms would be mailed on March 15, 2000 and indicated that part-time employees were being hired. Mr. Curtis advised that the Census Bureau would be mailing postcards announcing that the forms were being mailed shortly and requesting that anyone who desired a form in a language other than English to return the post card indicating the desired language. Initially, individuals who did not respond would receive a phone call and then a subsequent one-on-one visit.

Mr. Curtis stressed the importance of the Census which was vital to the community. In 1990, over 70,000 individuals were not included in the Census which had cost the County approximately \$1 billion dollars in State and Federal revenue. Mr. Curtis advised that the Census was one of the most basic processes in America and governed the distribution of money and political power. He added that all legislative districts would be redrawn according to information provided by the Census and an undercount would mean that the Town would not have ample monies to operate and protect its citizens. Mr. Curtis advised that the Census information was confidential and personal information could not be divulged to any other organization or individual. He added that the information was sealed for a period of 72 years.

Councilmember Weiner questioned whether there was a provision in the Charter which prohibited expenditures in excess of \$5,000 unless the request came before Council. Mr. Webber responded in the affirmative.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to allocate up to \$30,000, if it needs to be out of contingency, to assist the Committee in its endeavor. In a voice vote, all voted in favor. (Motion carried 5-0)

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#### **3.4 Car Seat Safety Program**

Deputy Fire Chief Leonard DePaola introduced Lieutenant Chris Fletcher and Firefighter/Paramedic Katherine McKearney who had developed two safety programs for the community. He advised that Lieutenant Fletcher had developed a program which provided information regarding the proper installation and sizing of car seats for infants and children. Currently, five individuals from the Fire Department had been trained for the program.

Lieutenant Fletcher advised that after attending the class, he was aware of the need to educate individuals as to the different types of seats for children. He expressed his desire that after five additional firefighters were trained, a program could be developed in which the public could go to the fire station and request that firefighters inspect the car seat. Lieutenant Fletcher advised that 70 car seats had been inspected with 70 car seats installed incorrectly.

#### **3.5 ENCARE Program**

Deputy Chief DePaola noted that Emergency Nurses Cancel Alcohol Related Emergencies (ENCARE) was designed to educate individuals regarding the hazards of underage drinking, drinking and driving, and the lack of using a safety belt. The program targeted all age groups and the education would be done through lectures, slide presentations, and videos. Currently, eight individuals in the Fire Department had completed the training to conduct presentations with another ten individuals going through the training.

Firefighter/Paramedic McKearney explained that ENCARE was a non-profit organization with trained health care professionals in 47 states. Two courses would be presented to younger residents and children with another course being presented to older residents. The intent of the courses was to reduce preventable injuries and death by educating and promoting healthy lifestyles. The program would begin on February 3, 2000 with "Doubt-A-Care" which would be a graphic slide presentation for 12-24 year olds that showed the consequences of underage alcohol use, drinking and driving, and not wearing a seat belt. She advised that middle and high school teachers had also been invited to the course and extended an invitation to Council. The second program would be "Take-Care" which was an interactive slide program for adults over 55 years of age which discussed medication and alcohol interactions, generic drugs, highway safety issues, and safety belt restraints. This program also provided the opportunity to speak to child safety technicians and learn about the correct installation of a car seat. The third program was "Learning-to-Care" which addressed alcohol use, helpful and harmful drugs, peer pressure and decision making for children in grades 3 to 5.

Councilmember Paul congratulated the firefighters on their initiative and a job well done.

#### **3.6 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent**

Bonnie Stafiej, Special Projects Coordinator, advised that a number of artists had participated in the Town's 8th Annual Dr. Martin Luther King Poster Contest. She announced the first and second place winners.

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Ms. Stafiej advised that upcoming events included: 5 Star Rodeo (January 21st - 22nd); February Valentine Craft Show (February 12th - 13th); and the Second Annual Charity Open Invitational Orange Blossom Westfair Cowboy Cow Pasture Golf Classic (April 14th).

Sharon Pierce-Kent, Parks and Recreation Director, announced that upcoming events included: community garden project; community theater group (beginning January 25th); Broadway shows; and youth baseball and girls softball (registration).

### **3.7 Rocky Rodriguez, Deputy Director of the Broward County Property Appraiser's Office**

Mr. Rodriguez advised that staff from the Property Appraiser's Office would be available in the Community Room on February 3, 2000 from 9:00 a.m. to 11:00 a.m. to register for the homestead exemption. He advised that the process for the additional homestead exemption was simple and indicated that approximately 89,000 individuals had been identified to receive a detailed procedures.

Mayor Venis announced that item 9.10 needed to be tabled to March 15, 2000.

Councilmember Paul made a motion, seconded by Vice-Mayor Bush, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that item 9.11 had been withdrawn.

Mayor Venis advised that a proclamation and a resolution needed to be added as 7.6B and item 12.3 respectively.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to add 7.6B and 12.3 to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

## **4. MAYOR/COUNCILMEMBERS COMMENTS**

### **MAYOR VENIS**

**LAST COUNCIL MEETING.** Mayor Venis wished everyone a Happy New Year since he had not been present at the last Council meeting and thanked Vice-Mayor Bush for acting as chair in his absence. He indicated that there had been intermittent sound and picture problems and requested that Mr. Middaugh contact Comcast to have the problem rectified.

**CONDOLENCES.** Mayor Venis expressed his condolences to Dean Alexander on the death of his father and he also expressed his condolences to the family of Robert Lockwood.

**DRIVING TEST.** Mayor Venis reported that his daughter had passed her driving test.

**CITIZEN PATROL.** Mayor Venis requested that the Citizen Patrol Program be offered in the Ivanhoe community. Police Chief John George pledged to work with Mr. Middaugh to see if the program could be expanded to include the Ivanhoe community.

Mayor Venis requested that the Program also be initiated in Park City West and asked that speed surveillance be provided. He also requested a newer patrol car for Park City Estates. Chief George advised that once the new patrol cars were received, this vehicle would be exchanged.

**FALCONS HOMEOWNERS' ASSOCIATION.** Mayor Venis requested information relative to the status of the cable installation meeting. Assistant Town Administrator Robert Rawls

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acknowledged that there were problems with the restoration effort of the cable installation. He noted that a meeting was being scheduled with BellSouth and their subcontractor to review each of the problems.

**REESE ROAD REALIGNMENT.** Mayor Venis requested that Mr. Rawls coordinate a groundbreaking ceremony for the Reese Road realignment.

**SIGNAL REQUESTS.** Mayor Venis requested an update on the signal requests that had been presented to the County.

**VICE-MAYOR BUSH**

Vice-Mayor Bush had nothing to present.

**COUNCILMEMBER COX**

**MEETING.** Councilmember Cox announced that on January 17th, the Open Space Advisory Committee and the Parks and Recreation Advisory Board would be meeting with County officials to discuss opening the landfill as a park and trail facility. Part of the discussion might include using a portion of the landfill site for equine evacuation.

**COUNCILMEMBER WEINER**

**CONGRATULATIONS.** Councilmember Weiner congratulated Florida Atlantic University on its initiative to have dinosaur digs on February 22, 2000.

**SOCCER GAMES.** Councilmember Weiner stated that because of the excitement of the games, parents should set good examples for the children and parents should be concerned if their child was injured. He encouraged parents to maintain their control and set a good example for the children.

**LOCAL PHONE FRANCHISE.** Councilmember Weiner stated that Programs Manager Will Allen had recently advised that the phone company was still taking the position that it was not obligated to negotiate a phone franchise. He indicated that he would discuss this issue with Mr. Middaugh. Mr. Middaugh advised that a letter would be sent to the phone company with regard to their construction activities relating to the current franchise process.

**LEGAL INVOICES.** Councilmember Weiner indicated that he had met with Mr. Webber to discuss invoices for the past two years and noted that Mr. Webber was receptive to discussing several items. He advised that the discussion included the Teen Challenge litigation, retainer items, and the possible retainer issue being brought to Council for discussion. Councilmember Weiner noted that he would be meeting with Suzanne McLean next week.

**DRAINAGE.** Councilmember Weiner noted that the drainage issue was being addressed with various agencies.

**PINE ISLAND RIDGE.** Councilmember Weiner advised of a letter from Pine Island Ridge's annexation committee requesting a meeting.

**COMCAST.** Councilmember Weiner advised that his meeting with Comcast representatives had to be rescheduled. He expressed his desire that some of the issues could be addressed such as the quality of the signal.

**TRAFFIC CONCERNS.** Councilmember Weiner advised that Mr. Rawls was working on a letter to the County requesting a traffic study on Nob Hill Road.

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Mayor Venis requested an update on the Town's drainage issues. Mr. Rawls noted that Council had authorized staff to enter into an agreement with the Central Broward Water Control District and the County in which joint solutions could be found for long-term flooding. Staff had developed a scope of services which included a comprehensive analysis of the Town's drainage needs and targeting individual areas to identify problems. From that point, the study would develop conceptual programs and projects that would address the problems and the funding options. Mr. Rawls referenced some neighborhood improvement projects which would solve numerous flooding problems.

### **COUNCILMEMBER PAUL**

**PATROL.** Councilmember Paul advised that she went on patrol with Officer Kathy Hart who was now patrolling the western portion of the community including Robbins Lodge.

**EASTSIDE COMMUNITY GARDENS.** Councilmember Paul noted that she had attended the opening of the community gardens and indicated that a lot of dirt was moved and a lot of mulch was laid.

**NEWSPAPERS.** Councilmember Paul advised of newspapers that had been scattered in the western section of Town. She acknowledged several residents who picked up the newspapers and advised that she would be delivering T-shirts and certificates of appreciation.

**THANKS.** Councilmember Paul thanked Sandy Switzer and Mike Crowley for looking into the resident's concerns regarding plantings and changes being made to the canals along 130th and 142nd. She added that more information would be provided to the residents.

**ESL MITIGATION SITE.** Councilmember Paul advised of a letter sent to Broward County Commissioner Lori Parrish from Bob Harbin which announced that the birds were coming back to the trees on the island. She noted that she had not seen any activity; however, Mr. Harbin and staff had viewed the area and had indicated that the mitigation area was working well.

**CHARITY HORSE SHOW.** Councilmember Paul announced that a charity horse show would be held on March 26, 2000 at the Bergeron Rodeo Arena and added that the show would benefit the EASE Foundation and Project Stable. She stated that any student who wanted to volunteer should contact her at Town Hall.

**PARTNERS IN EDUCATION.** Councilmember Paul advised of a school program entitled "Principal for the Day" and explained that the chief executive officer of major companies were invited to spend approximately three to four hours in school. There was a "debriefing" session afterwards and indicated that the Town was hosting this session in the Community Room at the Davie Police Department.

**SAFETY SUMMIT.** Councilmember Paul announced that a brainstorming session would be held on May 11, 2000 in which two students would be requested to participate in this event. The Child Safety Board would meet on Tuesday to discuss improvements and streamlining the program for next fall.

**THANKS.** Councilmember Paul thanked Lieutenant Fletcher and Firefighter/Paramedic McKearney for their efforts in the firefighter programs.

**SCOUTS.** Councilmember Paul advised that she was on the Ad Hoc Committee for Character Education for Broward County Schools. She felt that what the Boy Scouts said earlier in the meeting dealt with the concept of character education. Councilmember Paul

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explained that character education dealt with citizenship, respect, and responsibility, and expressed her belief that this was a perfect example of the community teaching students about these important attributes.

### **5. TOWN ADMINISTRATOR'S COMMENTS**

**LABOR NEGOTIATIONS.** Mr. Middaugh advised that progress had been made with regard to labor negotiations for the police union and announced a tentative agreement with the fire union. He felt that from the Town's perspective, it was a fair agreement that compensated the firefighters well and competitively in the County.

Jim Bunce, IAFF President, concurred that a tentative agreement had been reached and was of the belief that the only outstanding issue should be resolved tomorrow. He explained that the firefighters would be asked to ratify the agreement and the agreement would be presented to Council sometime in February. Mr. Bunce thanked Council for their support.

Mr. Middaugh noted that an executive session would probably be scheduled prior to the next Council meeting so that details of the agreement could be discussed.

### **6. TOWN ATTORNEY'S COMMENTS**

**LITIGATION.** Mr. Webber provided an update on litigation in which the Town was involved: Bar-B Ranch; Orendello; SW 142nd Avenue; 175/185 funds; Coastal Carting; LDG; Rowars; Cummings; MVP Litigation; and Sunrise.

Councilmember Weiner questioned whether it would be appropriate to conduct an executive session prior to litigation of the Sunrise matter to discuss strategy. Mr. Webber responded that he would discuss this question with Mr. Serota.

Mayor Venis advised that 11.1 would be heard at this time.

11.1 Mr. Middaugh noted that Code Compliance Supervisor Daniel Stallone had developed background information from numerous site visits and meetings with residents and car show vendors. Mr. Middaugh stated that a list of suggestions or parameters had been developed that would allow the car show to continue, allow some reasonable amount of vendor participation, and addressed the resident's concerns.

An unidentified resident acknowledged that he met with staff and that guidelines had been developed.

Development Services Director Mark Kutney provided an overview of the guidelines and indicated that a special master had suspended the Code enforcement action on this matter. Staff had met with a few residents and developed some ideas to address their concerns and since that time, staff had conducted numerous on-site visits. Mr. Kutney advised that Mr. Stallone had spoken with Mr. Buckles regarding the staff report and it was Mr. Kutney's understanding that Mr. Buckles was in agreement with the report. He advised that Mr. Stallone was qualified to ensure that the promotional events adhered to the Town's noise ordinance and that the ordinance was enforced by the Code Compliance Division.

Doreen Hixon, resident and member of Police Athletic League (PAL), noted that a recent car show event had raised \$2,000 to benefit the PAL. It was her belief that the owners had done everything in their power to assist and comply with the Town. Ms. Hixon

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indicated that the people driving the old cars had donated over 400 toys at Christmas time for the Town's children. She expressed her disapproval that something positive might be set aside and added that the event had been placed in a national car magazine.

An unidentified man read a letter from Mr. Stotts, General Manager of Turnberry Associates, addressing the traffic control issues and indicating that signs were made; however, they had disappeared. The letter expressed the Turnberry Associates support for the car show event.

Charles Buckles noted that in spite of the fact that there had been many good suggestions and comments, there were significant problems involved in continuing the event in its current format. The Code Compliance Division had clearly outlined problems and the corrective actions would go a long way to solving the violations that had occurred provided that all parties agreed to the stipulations.

Councilmember Weiner questioned the timeframe for presenting special permit parameters for vendor sales and/or licensing guidelines. Mr. Kutney responded that he would attempt to bring these guidelines within the next few meetings.

Councilmember Paul made a recommendation to move this issue forward based on staff's recommendations. Mr. Kutney commented that staff would like to vigorously enforce and pursue this matter. Mayor Venis noted that all parties seem to be in agreement with the stipulations; however, if this matter was out of control, staff would have to immediately enforce the Town's regulations.

Councilmember Cox questioned whether all the stipulations would be placed as caveats to the special permit and if those caveats were not met or violated, the special permit would be rescinded. She felt the residents would like to see the car show continue; however, the Nova Drive residents needed to be protected.

Sid Moro, Vice President - Florida Street Rods, thanked Mr. Buckles for providing the opportunity to work with the community and provided Mr. Buckles with his telephone number to call if there were any problems.

Mayor Venis advised that it was the consensus of Council to move forward.

7.6B Town Clerk Reinfeld read the proclamation in its entirety. Mayor Venis presented the proclamation to Judith Rose on behalf of the David Posnack Hebrew Day School. Ms. Rose invited Council to the groundbreaking ceremonies on January 30, 2000.

### 7. **CONSENT AGENDA**

#### *Minutes*

- 7.1 October 25, 1999 - Large Joint Meeting (tabled from January 5, 2000)
- 7.2 November 3, 1999 - Regular Meeting (tabled from January 5, 2000)
- 7.3 November 11, 1999 - Workshop Meeting
- 7.4 November 17, 1999 - Regular Meeting
- 7.5 December 1, 1999 - Regular Meeting

#### *Proclamation*

- 7.6 Broward League of Cities Millennium Celebration Day (January 24, 2000)
- 7.6B David Posnack Hebrew Day Schools Day (January 30, 2000)

#### *Parade Permit*

- 7.7 Hawkes Bluff Elementary School, 500 SW 160 Avenue (February 24, 2000)



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### *Home Occupational Licenses*

- 7.8 River Rock Art, Etc., 4256 SW 92 Avenue
- 7.9 R.J. Enterprises, 11601 SW 26 Court
- 7.10 R & R Water Works, Inc., 4800 SW 61 Avenue

### *Resolutions*

- R-2000-8 7.11 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RENEWING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVID K. SIGERSON, JR. OF ERICKS CONSULTANTS, INC. FOR REPRESENTING THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES FOR FISCAL YEAR 2000. (not to exceed \$10,000)
- R-2000-9 7.12 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DISASTER RELIEF FUNDING AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE.
- R-2000-10 7.13 **PLAT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, CITY OF WESTON, BROWARD COUNTY, AND GENE R. BURGESS, HOWARD E. BURGESS AND TIMOTHY M. RYAN PROVIDING FOR REMEDIAL MEASURES TO SATISFY ROAD CONCURRENCY REQUIREMENTS RELATED TO THE POINTE WEST CENTER NORTH PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DG 01-1-00, 3550 Weston Road)
- R-2000-11 7.14 **DESIGN/BUILD** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DOUG AMOS CONSTRUCTION, INC., FOR DESIGN/BUILD FOR ADDITIONS TO SHENANDOAH PARK. (\$390,380)

### *Site Plan*

- 7.15 SP 6-6-99, I-75 Commerce Park, 15712 SW 41 Street (BP/Commercial) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report

### *Site Plan Modifications*

- 7.16 SP 11-6-99, Davie Plaza, 11200 through 11600 State Road 84 (B-2) (tabled from January 5, 2000) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items 1 through 7
- 7.17 SP 12-3-99, Old Navy, 2100 South University Drive (B-3) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report, emphasizing that the elevations needed to be revised and that the paint color numbers needed to be indicated on the elevation drawings
- 7.18 SP 12-5-99, Ruby Tuesday, 6405 Nova Drive (M-4, County) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report

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Councilmember Paul asked that item 7.14 be removed from the Consent Agenda. Councilmember Weiner asked that items 7.2, 7.4 and 7.5 be removed.

Councilmember Paul made a motion, seconded by Vice-Mayor Bush, to approve the Consent Agenda without items 7.2, 7.4, 7.5 and 7.14. In a voice vote, all voted in favor. (Motion carried 5-0).

7.2, 7.4 and 7.5 Councilmember Weiner reiterated his objection to the minutes as generated and noted problems with the November meetings in which the downloaded copy was jumbled. He suggested using action minutes along with a CD recording.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to approve 7.2, 7.4 and 7.5. In a voice vote, with Councilmembers Paul and Weiner dissenting, all voted in favor. (Motion carried 3-2)

7.14 Councilmember Paul complimented Mr. Amos on how the contract was prepared.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

### **8. PUBLIC COMMENTS**

*Ordinances - First Reading (Public Hearing to be held February 2, 2000)*

**8.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE, CHAPTER 2, ARTICLE III, SECTION 2-41, ENTITLED "QUALIFYING DISTRICT BOUNDARIES" BY REDELINEATING GEOGRAPHICAL QUALIFYING DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Venis advised that a public hearing would be held on February 2, 2000. Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**8.2 LAND USE PLAN APPLICATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LABC (SS) 99-4A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM COMMUNITY FACILITY TO RESIDENTIAL (3 DU/AC); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (LABC (SS) 99-4A - Barbara Hall, Esq./ Alpha Baptist Church, 5230 Pine Island Road)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

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Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

**9. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

*Ordinances - Second and Final Reading*

- 2000-4      9.1      **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT, AMENDING THE DECLARATION OF RESTRICTIONS; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-2-99, Calvary Chapel, 1775 South Flamingo Road)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 2000-5      9.2      **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO RS, RECREATION AND OPEN SPACE DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-99, Pine Island Park, 3800 SW 92 Avenue)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 2000-6      9.3      **AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING ORDINANCE 99-20, CONCERNING THE POLICE OFFICERS' RETIREMENT SYSTEM; AMENDING SECTION 4.4 CONCERNING THE PAYMENT OF OPTIONAL FORMS OF BENEFITS PROVIDING THAT DROP DISTRIBUTIONS CANNOT EXCEED THE ACCRUED ACCOUNT BALANCE; AMENDING SECTION 4.6 CREATING SUBSECTION (D) CONCERNING CASH-OUTS PROVIDING THAT NO DISTRIBUTION FROM THE DROP SHALL EXCEED THE ACCOUNT BALANCE INCLUSIVE OF EARNINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

*Resolution*

- R-2000-12      9.4      **FIRE RESCUE ASSESSMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; CONFIRMING THE IMPOSITION OF FIRE RESCUE ASSESSMENTS AGAINST PARCELS OF PROPERTY LOCATED WITHIN THE TOWN OF DAVIE WHICH WERE EITHER OMITTED FROM THE ASSESSMENT ROLL OR NOT LISTED ON THE TAX ROLL AS OF THE EFFECTIVE DATE OF THE ASSESSMENT ROLL; APPROVING A SUPPLEMENTAL ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

*Quasi Judicial Hearings*

- 9.5      **REZONING - ZB 11-2-99, Hotel Inn, 10220 State Road 84 (from A-1 to B-3)**  
*Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the stipulation of the list with those items scratched through being restricted*

Mr. Webber explained the rules concerning the presentation of evidence. Town Clerk Reinfeld swore in the witnesses. Mark Kutney, Development Services Director, advised that his qualifications were on file in the Town Clerk's Office and had provided the

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a copy of the planning report to the Town Clerk. Mr. Kutney summarized the planning report.

Dan Fee, representing the petitioner, indicated that the petitioner was in agreement with the staff recommendation.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Paul felt this was a good project; however, she was concerned if this was an appropriate location next to a middle school and a day care. Mr. Kutney responded that the land use and the zoning were consistent and in conformance. It was his belief that those concerns were the main reason for the deed restrictions.

Councilmember Weiner noted concerns that were expressed to him from surrounding residents relative to the size of the hotel and commented that he was glad to see that the size was limited. He indicated that there were several residential communities nearby and indicated that there was a concern with the traffic that may be generated. Councilmember Weiner shared Councilmember Paul's concern with the location and stated that he would like to see the local homeowners given advance notice to allow them to provide input. He recommended that this item be tabled to allow the petitioner to meet with the residents.

Councilmember Paul suggested that input from the school be obtained and indicated that she had spoken to several people at the school who were also concerned.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to the first reading in February. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.6      **REZONING** - ZB 12-1-99, Imagination Farms Commercial, 12401 Orange Drive (from A-1 to B-3) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the deed restrictions as stated in the staff analysis and conceptual plan*

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney advised that he had provided the Town Clerk with a copy of the planning report which he summarized.

Jeff Orland, representing the petitioner, advised that the petitioner concurred with the staff recommendation and with the proposed restrictions. He briefly discussed the rezoning.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Cox disclosed that she had spoken to Mr. Zimmerman regarding the site plan for the surrounding site. Councilmember Weiner indicated that he had also spoken with Mr. Zimmerman relative to this matter coming forward at some point in time.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve subject to the deed restrictions. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 9.7 **VARIANCE - V 10-1-99**, Davie Plaza, 11200 through 11600 State Road 84 (B-2) (to reduce the minimum criteria pertaining to free standing sign setbacks, and to increase the maximum free standing sign height) (tabled November 17, 1999) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended denial*

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney advised that he had provided the Town Clerk with a copy of the planning report and read the staff analysis. He clarified that the recommendation was to approve the staff report which recommended denial of the application.

Ruben O'Dent, representing the petitioner, disagreed with staff and the Planning and Zoning Board and suggested that Council consider the genesis of the property. He provided a history of the property and acknowledged that the center had been an eyesore. Mr. O'Dent indicated that the owner had persuaded Winn Dixie to come in with a 62,000-square-foot grocery store. He requested the Town's assistance in creating a viable shopping center and noted that visibility and exposure were paramount. Mr. O'Dent advised that he was trying to satisfy over 65 tenants and in order to keep the center alive, the owner needed Council's assistance. He explained that the petitioner had chosen to provide the following signs: 1) one 20-foot sign at the entrance near INS to the east; 2) a directory sign showing the entrance to the shopping center, approximately three to four feet in height; and 3) one sign on the corner of Hiatus Road and State Road 84, approximately 50 feet in height.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance.

Tom Truex, 4740 SW 72 Avenue, was sworn in. He felt that the exhibit showed a sign that resembled a billboard and that the sign would be larger than what was being represented. It was his belief that almost every other business along State Road 84 could make a similar argument. Mr. Truex expressed concern with regard to approving this billboard type sign without permitting other businesses to have a similar sign.

Karen Tummy responded that the drawing was to scale and was not a billboard type sign. The cabinet and lettering were 40 square feet under Code requirements. She explained that the sign would be situated in the trees with the top portion of the sign being viewed. She stated that the lettering on the sign would be for Davie Plaza and not all of the tenant names would be visible. Ms. Tummy believed that the center was not visible by westbound traffic and acknowledged that other businesses might request a similar sign; however, no other business was under an overpass. She commented that Council could grant the variance based on frontage and added that no other business had the same amount of frontage. Ms. Tummy advised that the other centers along State Road 84 had two-way traffic and this center did not have that benefit.

Town Clerk Reinfeld swore in additional speakers.

Dan Barr, SW 37 Court, expressed his desire for Council to accommodate the center. He felt that the center had been underutilized and he acknowledged the need for signage due to the businesses that had filed for bankruptcy in the center. Mr. Barr stated that the proposed sign could not be any more offensive than the other billboards and commented that if the sign was not acceptable, he would like to see another means to provide visibility to the center.

Jay Stahl, 5801 Surrey Circle West, noted that he was not at the Planning and Zoning Board meeting last week; however, after reading the backup material, he concurred with

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the Board's vote. He indicated that no other business had this type of signage because the Code did not permit this type of sign. Mr. Stahl stated that the billboards provided revenue to PAL and this sign would not be a revenue generator. He felt that motorists traveling eastbound would view the sign after the exit. He advised that he was against the request and expressed his belief that the sign was a billboard. Mr. Stahl indicated that he would prefer to see the signs that were permitted since they would be monument signs.

Mr. O'Dent noted the intent to invest \$46 million into the shopping center and requested the Town's indulgence in terms of granting the signage.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner indicated that he was not a Councilmember when the billboards were approved and indicated that he was not in favor of the variance. He acknowledged that the sign was not a billboard; however, the lights from the signs affected the surrounding community. Councilmember Weiner understood the problems with this site; however, the problems existed when the property had been purchased. He stated that the Code provided that signs be a certain height which was to ensure that the sign was not visible to the neighboring communities. He would like to see the investment made into the shopping center; but not at the expense of the residents seeing a 50-foot sign.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to deny and to accept the recommendations of staff and the Planning and Zoning Board. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**9.8 VARIANCE - V 12-1-99, Charles Putman & Associates/Culverhouse Investment Properties, Ltd., 15400 SW 50 Street (Commercial/PUD) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval**

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney summarized the planning report. He clarified that the staff recommendation was for denial and the recommendation from the Planning and Zoning Board was to approve.

Bill Laystrom, representing the petitioner, provided an overview of the site plan. He referenced the Town's parking regulations of one space per room, in addition to one space for specialized areas such as sundry stores and bars/lounges. Mr. Laystrom indicated that there was ample parking space for the rooms plus an additional four spaces which equated to a total of 106 spaces. Staff had calculated an additional 15 parking spaces using square footage from a great room that was intended to be used by the guests to pick up newspapers and a staff training room. Mr. Laystrom requested that Council not consider including these areas as part of the parking requirement and noted that the County's Code required 77 spaces. He noted that this would be a mixed-use complex in which the residents from the hotel would utilize the office facilities during the daytime hours. Mr. Laystrom further indicated that the Marriott Corporation used a 1.1-parking ratio for a full-service hotel. He explained that the hotel parking spaces would primarily be used during the evening hours while the office park would be used during the daytime hours. Mr. Laystrom acknowledged that no other parking waivers would be requested for the project.

Councilmember Cox questioned whether the 116 parking spaces included the staff parking. Mr. Laystrom noted that the figure included the staff parking.

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Councilmember Paul requested clarification as to the great room. Mr. Laystrom explained that this was a room in which a continental breakfast was usually served and a meeting room for individuals who stayed in the hotel. He indicated that this room would not be rented or open to the general public and would agree to these limitations. Councilmember Paul clarified that the hotel would not have a restaurant.

Mayor Venis questioned when staff would be able to address the parking issue. Mr. Kutney indicated that this issue would be addressed shortly.

Councilmember Cox questioned why the 10% variance that was permitted to be handled administratively was not applicable to this petition. Mr. Kutney explained that staff did not feel that this would be applicable since it was a PUD plan and the previous Codes were applicable. He concurred with Councilmember Cox relative to the 10% clause; however, it was staff's interpretation that due to this being a PUD, the old Code was applicable. Mr. Laystrom indicated that the building was reduced in order to present a smaller variance.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**9.9 VARIANCE - V 12-3-99, Papastavros, 11940 Piccadilly Place (AG) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval**

Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone was opposed to the petition with no one responding. Mr. Kutney summarized the planning report.

Art Papastavros, the petitioner, concurred with the staff recommendations.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)



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*Items to be Tabled or Withdrawn*

**9.10 STAFF REQUESTING A TABLING TO MARCH 15, 2000**

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND CF, COMMUNITY FACILITIES DISTRICT, TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT, AND A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-99, Alpha Baptist Church, Inc., 5230 Pine Island Road) (tabled from December 15, 1999)

This item was tabled earlier in the meeting.

**9.11 WITHDRAWN BY PETITIONER**

ZB 10-1-99, Building Education Corp./Culverthouse Investment Properties, Ltd., northwest corner of Orange Drive and Flamingo Road (from A-1 to CF)

This item was withdrawn by the petitioner

**10. APPOINTMENTS**

10.1 Budget Advisory Committee (one exclusive appointment - Councilmember Cox) (insofar as possible, members shall have experience in financial related occupations or similar skills; term of January to December 2000)

Councilmember Cox deferred her appointment to the next meeting.

10.2 Davie Water Advisory Board (one exclusive appointment - Vice-Mayor Bush) (insofar as possible, one member of the Board shall be a licensed engineer; term of January to December 2000)

Vice-Mayor Bush deferred his appointment to the next meeting.

10.3 Senior Citizen Advisory Committee (two exclusive appointments - Vice-Mayor Bush and Councilmember Cox) (appointments for a one year term and two year term) (terms expire December 2000)

Councilmember Cox appointed Janet Nelson and Norma Walker. Vice-Mayor Bush deferred his appointments to the next meeting.

10.4 Police Employees' Pension Board (one non-exclusive appointment; appointing authority should select, from the best qualified persons, minority representation to accurately reflect that population of the area represented by the Board) (terms expire December 2000) (two nominations tabled from January 5, 2000)

Mayor Venis nominated Sid Waldfogel. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - no; Councilmember Cox - no; Councilmember Paul - no; Councilmember Weiner - yes. (Motion failed 2-3)

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Councilmember Cox questioned whether Vice-Mayor Bush would like to be nominated to the Board. Vice-Mayor Bush declined the nomination.

Mayor Venis advised that Ivan Reich had been nominated at the previous meeting. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - no; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 3-2)

### **11. OLD BUSINESS**

#### **11.1 Update Regarding Vendor Activity at Tower Shoppes (tabled from July 7, 1999)**

This item was discussed earlier in the meeting.

#### **11.2 Amending Davie Water Advisory Board Scope of Responsibilities (Councilmember Paul)**

Mr. Middaugh referenced additional wording to the resolution that addressed some of the concerns from the last meeting. The changes included that the Board would be an advisory board and amended the scope of duties. He indicated that the new wording was presented to the Board which was in agreement.

Councilmember Paul questioned whether the wording in the title regarding repealing resolution R-95-206 and subsequent amending resolutions should be incorporated into the body of the resolution. Councilmember Weiner interjected that there should be a section that repealed all previous matters.

It was the consensus to take no action on this resolution until the resolution was in final form.

Councilmember Paul requested clarification as to how she should proceed with the helmet ordinance. She noted that she had discussed the idea of a teen court with the principal at Indian Ridge Middle School, Chief George and some police officers and they would like to assist in developing this concept as part of the helmet ordinance. It was the consensus to move forward with the teen court concept.

Councilmember Weiner questioned whether the next reading regarding the helmet ordinance should be postponed until a teen court was established. Mr. Webber concurred.

### **12. NEW BUSINESS**

#### **12.1 Joint Powers Agreement (Councilmember Weiner)**

Councilmember Weiner noted that this matter had been discussed at the last meeting. He felt that this was a crossroads agreement that was established when there was movement to move the Town's firefighters into the rescue service. Councilmember Weiner noted that the original intent of the joint powers agreement (JPA) was for a regional type operation which included the surrounding municipalities. It was his belief that the Town should hire cross-trained firefighter/paramedics because it seemed to be the most responsible way of providing services due to the cost and stated that it was time that the Town hired its own cross trained firefighter/paramedics. Councilmember Weiner indicated that there were several displaced County firefighter/paramedics and requested that the Town offer jobs in the Town's Fire Rescue Department to these individuals to

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make the Town reliant upon itself. Councilmember Weiner indicated that he would like to see the JPA terminated as a six month notice in advance of the expiration was required. He advised that the deadline to terminate the JPA was at the end of March.

Councilmember Cox questioned the associated cost to the Town and noted that with the current agreement, the Town was saving in excess of \$1 million dollars. She requested a financial analysis be provided before the agreement was terminated and indicated that it seemed to be beneficial to hire individuals who were already certified.

Councilmember Paul questioned whether the County was willing to continue the contract at no cost to the Town. Mr. Middaugh indicated that he had spoken informally with Broward County Fire Chief Lorenzo regarding the County's intentions and was advised of the County's intent to continue the JPA along with an interest in enhancing services. He advised that he would be meeting with Chief Lorenzo to discuss the County's position and what was being offered. Mr. Middaugh advised that he would provide Council with information regarding any financial or service implication and how the residents had fared with JPA. He felt that the agreement could be canceled anytime with a six-month notification and the agreement automatically rolled to the next year. Councilmember Weiner disagreed and stated that the agreement expired unless it was renewed. Mr. Middaugh indicated that he would review the contract.

Mayor Venis reiterated Councilmember Paul's question if there would be a cost associated if the agreement was continued. Mr. Middaugh replied that he would provide information by the next Council meeting.

Councilmember Cox felt that response time was important; however, she would also like to be apprised of the County's position.

**12.2 Schedule Special Meeting for Executive Session - LDG Corp. vs Town of Davie, Case No. 97-13832CACE(11) - February 2, 2000 at 6:30 p.m.**

Mayor Venis questioned whether anyone objected to the time. In a voice vote, all voted in favor.

**12.3 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING  
R-2000-13 THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN  
PROJECT STABLE OF BROWARD COUNTY AND THE TOWN OF DAVIE**

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve item 12.3. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Weiner reiterated his previous request whether it would be appropriate to met in an executive session to discuss the strategy regarding the Sunrise litigation. He requested that Council authorize Mr. Webber to schedule an executive session if outside counsel concurred. Mr. Webber advised that this matter would have to be placed on an agenda and announced. Councilmember Weiner requested that this item be placed on the next agenda.

Doug Snyder, Falkanger and Associates, requested that Council consider reapproving the site plan request for 7-11 which expired on December 2, 1999. He noted that the plan was within two approvals from a permit being issued. Councilmember Cox advised that the site plan had been approved by the Site Plan Committee.

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Mr. Kutney explained that the site plan had not been placed on the agenda as there were outstanding issues with the Engineering Department. He had advised the petitioner that he would have to make special arrangements; however, he noted that Engineering's issues remained outstanding. Mr. Snyder advised that Engineering was the final approval prior to the permit being granted and he was requesting that Council reapprove the plan so that sign-offs could be obtained.

Councilmember Cox recalled that the Site Plan Committee had approved the plan with the caveat that Engineering's issues be addressed prior to being presented to Council for final approval.

Councilmember Weiner questioned the time constraints of the petitioner. Mr. Snyder advised that this would be a two-week delay.

Mayor Venis questioned why there were outstanding issues if this item was previously approved. Mr. Snyder indicated that the issues were agreed upon during the permit review; however, as a result of the agreement, there was a spillage issue which was resolved through up-lights. He indicated that Assistant Town Engineer John Doherty was not in agreement with the lights.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to add this request to the agenda as item 12.4.

Councilmember Cox questioned whether this type of motion was permitted and whether a site plan expired after six months unless a renewal was requested. Mr. Webber indicated that the site plan had expired and had not been renewed in accordance with Town Code. He noted that there had been no notification to the public that this issue was going to be addressed and explained that Council should consider whether the Code had changed since the approval of the original site plan. Mr. Webber added that because Council had no backup material, he recommended that this item be placed on the next agenda and that Council have the proper backup material. A staff report indicating that the site plan complied with the current Code should also be part of the backup material.

Vice-Mayor Bush withdrew his motion. Councilmember Cox withdrew her second to the motion.

Councilmember Weiner made a motion to table this issue until the next meeting with staff providing a report. The motion died due to the lack of a second.

**13. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 10:03 p.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk